

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

FILED

2008 SEP -3 A 11: 33

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RMW

UNITED STATES OF AMERICA,

Plaintiff,

v.

FELIPE OLEA-AVILA,

Defendant.

CR-08 00588

VIOLATION: 8 U.S.C. § 1326 –  
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

HRL

INFORMATION

The United States charges:

On or about April 21, 2008, the defendant

FELIPE OLEA-AVILA,

an alien, previously having been arrested and deported from the United States on or about February 22, 2005, April 28, 2005, May 16, 2005, May 23, 2005, and August 9, 2005, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a re-application by the defendant for admission into the United States, in violation

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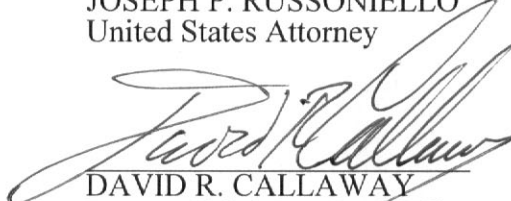
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INFORMATION  
CR CASE #

1 of Title 8, United States Code, Section 1326.

2 DATED: 8/21/08

JOSEPH P. RUSSONIELLO  
United States Attorney

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6 DAVID R. CALLAWAY  
Deputy Chief, San Jose Office

7 (Approved as to form:

8   
AUSA SCHENK

# DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

8 U.S.C. Section 1326 -  
 ILLEGAL REENTRY

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

2 years imprisonment  
 \$250,000 fine  
 1 year Supervised Release  
 \$100 special assessment

E-filing

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
 IMMIGRATION AND CUSTOMS ENFORCEMENT

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW  
 DOCKET NO.

MAGISTRATE  
 CASE NO.

08-70543-PVT

Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
 (if assigned)

JEFFREY B. SCHENK

Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

2008 SEP -3 A 11:33

FELIPE OLEA-AVILA

RICHARD W. WIEKING

DISTRICT COURT NUMBER CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CA. S.J.

RMW

CR - 08 00588

## DEFENDANT

HRL

### IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

### IS IN CUSTODY

- 4) ☒ On this charge
  - 5) ☐ On another conviction
  - 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer  
 been filed?

☐ Yes  
☐ No

If "Yes"  
 give date  
 filed

DATE OF  
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED  
 TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## PROCESS:

## ADDITIONAL INFORMATION OR COMMENTS

☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_